



Complaints Policy and Procedure

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Statutory Policy

Introduction

As a Trust and as individual schools we strive to develop effective and mutually supportive relationships with all the parents, carers and members of the wider community that we serve. However, we recognise that there will be occasions where an individual or organisation may have concerns about an aspect of the Trust's/ school's policy, decisions or actions. In many cases, such issues can be successfully resolved through informal discussions between the individual and school. We therefore strongly encourage bringing any concerns to the attention of the headteacher or other staff member as soon as possible.

However, we recognise there will be some circumstances where individuals or organisations feel they need to escalate the issue. This policy set out the process for doing so, and how the school/Trust will respond.

Who should use this policy?

This policy should be used by parents, carers, pupils and members of the wider public to raise a concern or complaint with the school/Trust. Staff wishing to raise a concern should use the Staff Grievance policy.

The policy should also be read alongside the *'Expected Behaviour of Parents, Carers and Visitors to our schools'*.

Local Resolution (Informal Stage 1)

If you are concerned or unhappy with the way the school/Trust or a member of its staff has treated you, or you are concerned or unhappy with the way the Trust is operating its policies and procedures, then you can raise your concerns or make a complaint.

All concerns are taken seriously, and every effort will be made to resolve the matter as quickly as possible.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns at school level

Concerns or complaints against school staff (except the Headteacher) should be made in the first instance to the Clerk to the Advocates via the school office. Please mark your complaint as Private and Confidential.

Concerns or complaints about the Chair of Advocates, any individual Advocate or the whole Advocate Board should be addressed to the Clerk to the Advocates via the school office. Please mark your concern as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure (page 9, appendix 1). If you require help in completing the form you can use third party organisations, such as Citizens Advice, to help you.

In accordance with equality law, consideration will be given to making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Concerns at Trust level

Concerns about the Trust, the Chair of the Trust Board, or the whole Trust Board should be raised with the Governance Professional who can be contacted via the Trust office. If the issue remains unresolved, the next step is to make a formal complaint. Complainants should not approach individual Trustees to raise concerns or complaints. Trustees have no power to act on an individual basis and it may also prevent them from considering formal complaints at Stage 2 of the procedure. Please mark your complaint as Private and Confidential.

Concerns or complaints about the Chief Executive Officer should be raised with the Chair of the Trust Board, via the Governance Professional. Please mark your complaint as Private and Confidential.

Concerns or complaints about the Chair of the Trust Board should be raised in the first instance with Vice Chair of Trustees, via the Governance Professional. Please mark your complaint as Private and Confidential.

Anonymous complaints

Anonymous concerns or complaints will not be investigated under this procedure, unless there are exceptional circumstances. To enable proper investigations, concerns or complaints should be brought to the attention of the School/Trust Clerk or Governance Professional as soon as possible to determine whether an anonymous complaint warrants an investigation.

Time scales

A complaint must be raised within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Complaints made outside this time frame will only be considered if exceptional circumstances apply.

Complaints received outside of term time

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

How do I raise a complaint?

Usually, the best way to deal with a concern or complaint is to first approach the School Clerk or Trust Board Governance Professional, who will record your concern and liaise with the Chair of the Local Advocate Board/Trust Board, who will determine who is most appropriate to deal with your concern, depending on the nature of the concern.

How does the Stage 1 process work?

Once you have raised your concern or complaint, the person who is looking into it will contact you within 5 working days (in term time). They can arrange to talk to you face-to-face, on the telephone, or they can contact you by letter if you prefer.

For your part, you will need to:

- tell the School/Trust what happened and how you felt about it
- say how you think the situation could be resolved
- agree the process for resolving your concern or complaint

For its part, the School/Trust will:

- listen to your concerns
- explain what can happen to resolve your concern or complaint
- confirm with you the process that will be followed and who will deal with it
- if necessary, carry out a more detailed investigation into your concern or complaint. This is called a 'Local Investigation'.
- provide information for parents and carers of children with SEND (Special Educational Needs and Disability) about how they can access support from The Devon Information Advice and Support Service (this is a requirement in the SEND Code of Practice)

www.devonias.org.uk 01392 383080 devonias@devon.gov.uk

What can I expect from the Local Resolution?

The Chair of the Local Advocate Board, or their nominee, will usually want to take the opportunity to explain what has happened from the perspective of the School/Trust or staff member involved. Low-level concerns or complaints can be dealt with quickly and effectively by the Chair or their nominee using this approach, which is known as a 'Local Resolution'.

This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your concern or complaint directly with you. It will not usually result in conduct or capability action being taken against an individual member of staff. However, where appropriate, the member of staff might receive further support or training as a result.

Most concerns or complaints are not likely to involve extensive or lengthy enquiries, and therefore you should expect an approach that is proportionate to the issue you have raised. The complaint will be closed after the process is completed.

If your concern or complaint is an expression of dissatisfaction with something the School/Trust has either done or not done, and not about somebody – for example, about the way the Trust operates its policies or is directed to fulfil its statutory obligations – then it will still be resolved using this 'Local Resolution' approach.

What happens next?

There are different ways of dealing with the concern or complaint using the Local Resolution Process. These include:

- immediate resolution by providing information face-to-face, by email, or by telephone, as you choose
- a letter from the Trust concluding the matter after proportionate consideration, explaining what has been done

- individual communication between you and the person your concern or complaint was about and/or a face-to-face meeting with the person your concern or complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place.

When the named person has looked into your concerns you will receive further communication from the Trust within 10 working days (in term time) of the original concern being raised. However, if the concern is complex, the person working on the Local Resolution may contact you to let you know that more time is needed to look more fully into the matter.

What might happen as a result?

The School/Trust could take the following actions to resolve your concern or complaint:

- give you information or an explanation to clear up a misunderstanding
- apologise on behalf of the School/Trust
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action by the relevant person dealing with the case to address an issue with a member of staff through support and development
- arrange action by the Local Advocate Board/Trust Board to address matters of policy or procedure.

Mediation

Sometimes during the handling of a complaint, communication between parents/carers and the Trust can become difficult. Mediation can be a very useful way of helping people to resolve their differences and find an agreed way forward. Both parties need to agree to mediation. The Trust (or the parent) may suggest mediation if communication becomes a problem.

Mediation can be sought at any point during the processes of resolution and investigation. The mediation process is informal, impartial and voluntary, and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships. The mediation process does not investigate complaints, or make recommendations for future action, but allows the parties to reach a mutually acceptable outcome in the best interests of the child and/or for resetting relationships for the future.

For more information, please contact your school Clerk or Trust Governance Professional. For issues raised relating to SEND (Special Educational Needs and Disability) resources, specialist mediation is a requirement in the SEND Code of Practice. For more information please contact: The Devon Information Advice and Support Service: devonias@devon.gov.uk

Trust Investigation – The Formal Complaints Procedure (Stage 2 and 3)

If, following the Local Resolution stage, you, or the person dealing with your concern, considers that your concern needs a more detailed investigation, or where the Local Resolution has not delivered a satisfactory conclusion, a School Investigation will follow.

Stage 2 will be carried out by either the Headteacher or a member of the Senior Leadership Team or if the complaint is about the Headteacher, it will be delegated to an

impartial independent investigator appointed by the Local Advocate Board/Trust Board.

Although this is a formal investigation into your complaint, it will still be in the spirit of quickly reaching an effective outcome and maintaining positive and productive relationships.

All parties need to work together to maintain productive relationships and establish a way forward in partnership. This investigation may call for more information to be gathered before the person investigating can explain what has happened from the perspective of the School/Trust or the staff member involved.

This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your complaint directly with you, but doing so with a more detailed investigation than at a Local Resolution level.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken by them.

How does the Trust Investigation process work?

Once you have raised your concern or made your complaint, the Headteacher/Senior Leader or Trustee who is looking into it will contact you within 5 working days (term time). They can arrange to talk to you face-to-face, by email, on the telephone or they can contact you by letter if you prefer.

For your part, you will need to:

- tell the School/Trust what happened and how you felt about it
- say how you think the situation could be resolved
- agree the process for resolving your concern or complaint
- agree timescales and pathways for communication

For its part, the School/Trust will:

- listen to your concerns
- explain what can happen to resolve your concern or complaint
- confirm with you the process that will be followed and who will deal with it
- carry out a more detailed investigation into your concern or complaint
- produce and supply all parties with a written report of the findings
- ensure that any relevant findings are taken forward to influence School/Trust practice and policy

What can I expect from a School/Trust Investigation?

Some concerns or complaints may demand more detailed and perhaps time-consuming enquiries, and therefore you should expect an approach that is proportionate to the complaint you have made. The person investigating your concern should keep in regular contact to keep you informed of progress on the matter.

The School/Trust Investigation process aims to quickly resolve your concern or complaint and identify any learning from it.

What happens next?

Your concern or complaint will be the subject of a reasonable and proportionate investigation. This means that the amount of time dedicated to the matter will be in accordance with the seriousness of the matter.

At the conclusion, one of several things may follow. These include:

- resolution by providing information face-to-face or by telephone – as you choose
- a letter from the School/Trust concluding the matter after a proportionate investigation and explaining what has been done
- if your complaint was about an individual, individual communication between you and that person. This is organised through the Headteacher/Senior Leadership Team or the person dealing with your complaint.
- a face-to-face meeting with the person working on your concern or complaint and/or the person your complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place.

The School/Trust Investigation should be completed within 10 working days (in term time) when you will receive a letter explaining the findings and any actions that may need to happen as a result. However, in complex matters it may take longer. The person investigating will keep in regular contact with you to keep you informed of progress.

What might happen as a result?

The Trust could take the following actions to resolve your concern or complaint and will provide feedback to you on such actions:

- give you information or an explanation to clear up a misunderstanding
- apologise on behalf of the School/Trust
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action by the School/Trust to address matters of school policy or procedure
- arrange feedback and support by the Headteacher/Senior Leadership Team to address any issues arising about a member of staff and their actions or behaviour

Appeal against the decision made following The Trust Investigation (Stage 4)

This complaints procedure includes an appeal process should you not be satisfied with the outcome of the investigation at Stage 2 or 3. Following the initial investigation, the School/Trust will write to you to let you know of your right to appeal and you will have 20 working days to let the School/Trust know if you would like to do so. (Working days do not include school holidays when there may be no one available to respond to your request).

If you choose to appeal, you will be invited to attend an appeal meeting and if the date is inconvenient an alternative date will be provided. You will also receive any paperwork that relates to the initial School/Trust Investigation 7 days in advance of the appeal meeting.

At the meeting, a panel will consider your appeal. The panel will comprise at least 3 individuals, including at least one panel member who is independent of the management and running of the School/Trust; this may include an advocate from another Trust school who has had no previous dealings with your complaint. They will

also listen to what the staff member or Senior Leader Team member have to say, and then they will come to a decision whether to uphold the complaint fully or in part, or whether the School/Trust has acted appropriately and that no further actions are necessary.

The panel will not be able to hear any other complaints or additional concerns at this meeting.

Whilst this is part of the formal complaints procedure, the School/Trust aims to make the meeting as informal as possible so that all parties can put forward their views in a positive and respectful manner.

When the appeal panel has considered all the information made available to them, they will make a decision and inform you in writing of the outcome within 5 working days (in term time).

Sometimes when a complaint is very complex, and has taken a lot of time, it may be that the School/Trust Board may have difficulty assembling an appeal panel that fits the criteria of having had no prior knowledge of your complaint. In this case you may request that the School/Trust source an independent appeal panel to hear the final stage of your complaint.

Following the appeal panel meeting the complaints procedure is complete. If you are still unhappy with the way the School/Trust has managed your complaint, you can submit a complaint to the Department for Education online at:
www.gov.uk/complain-about-school

Or write to:
School Complaints Unit
Department of Education
2nd Floor, Piccadilly Gate
Manchester M1 2WD

Please remember that the School/Trust is committed to resolving your concerns wherever possible and that where this is proving complex, mediation is a powerful method of resolving matters (see page 5).

Appendix 1 – Complaint Form Template

Complaint Form
Please complete and return to the School/Trust office in a sealed envelope marked 'Private and Confidential' addressed to the Headteacher, Chair of Advocates, or the Clerk to the Local Advocate Board or Governance Professional, depending on who or what the complaint is about. They will acknowledge receipt and explain what action will be taken.

Your name:			
Pupil's name (if relevant):			
Your relationship to the pupil (if relevant):			
Address including postcode:		Daytime tel. no:	
		Evening tel. no:	
Your email address:			
Please give details of your complaint, including whether you have spoken to anybody at the school about it:			
What actions do you feel might resolve the problem at this stage?			
Are you attaching any paperwork? If so, please give details.			

Signature:		Date:	

For official use only:			
Acknowledgement sent by whom:			
Method e.g. email:		Date:	
Complaint referred to:		Date:	
Action taken:			
Action Date:			